

JAN 31 2006

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Application Serial No. 10/811,728
Revised Appeal Brief dated January 31, 2006

PATENT
DOCKET: CU-3663

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Hiroyuki TAKAMURA)
SERIAL NO: 10/811,728) Group Art Unit: 3748
FILED: March 29, 2004) Examiner: Ching CHANG
TITLE: VALVE TRAIN FOR INTERNAL COMBUSTION ENGINE

Certification under 37 C.F.R. §1.8(b)

The USPTO Central Fax No. (571) 273-8300

Date of Fax Transmittal: January 31, 2006

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted to the United States Patent and Trademark Office to the fax number and on the date indicated above.


Brian W. Hameder, Reg. No. 45,613

Mail Stop Appeal Briefs – Patent
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P.O. Box 1450
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REVISED APPEAL BRIEF

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The Examiner contends that 'the Sada reference discloses "the present invention is applicable to all machine parts each having a contact surface which enters a state of at least one of rolling contact and sliding contact with the other part opposite thereto" (See Col. 5, line 36 through line 39); and the contact surface having a maximum circumference surface roughness in 1.4 or 1.1 μm (See Table 1). Accordingly, the Examiner deems that the Sada reference teaches each of the cam lobe and the roller in Claim 1, having the claimed subject matter of surface roughness 0.4 to 2.2 μm .' (See the Advisory Action issued July 25, 2005 – Continuation Sheet of 11.). In contrast, the Applicant contends that Sada does not disclose or suggest both machine parts (cam lobe and roller follower) contact surfaces having a surface roughness R_a of 0.4 to 2.2 μm , as claimed.

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The Applicant further considers that even if R_a of the present application were equal to R_y of Sada, that Sada teaches away from using the claimed surface roughness, notwithstanding the fact that Sada teaches R_y equals $3\text{ }\mu\text{m}$ on the second machine part contact surface. Table 1 in Sada shows a R_y value in comparative example 3 within the assumed claimed range that yields a negative result, and a R_y value in embodiment 3 outside the assumed claimed range that

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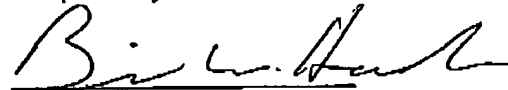
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Conclusion

For the reasons given above, the Appellant respectfully submits that neither the relied upon cited references of Sada and Nishioka et al. disclose, teach or suggest the claimed features of both the cam lobe and roller follower having a surface roughness R_a of 0.4 to 2.2 μm . The Appellant thus considers that the Examiner has not met the burden required under 35 U.S.C. §103(a) of proving obviousness in view of these references. Accordingly, the Appellant respectfully requests the Board to reverse the Examiner's rejection of Claim 1, and requests allowance of the application.

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Respectfully submitted,



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APPENDIX

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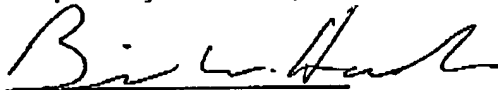
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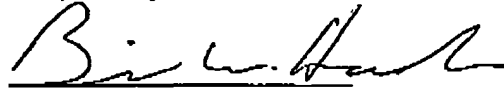
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